



RI-61182/RBC/VEJ
Application No. 09/375,164

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brian M. Adams *et al.*

Application No. **09/375,164**

Filed: **August 16, 1999**

For: **SPILL-REDUCTION CAP FOR
FLUID CONTAINER**

Art Unit: **3727**

Examiner: **Stephen K. Cronin**

Docket No.: **RI-61182/RBC/VEJ**

CERTIFICATE OF TRANSMISSION (37 CFR 1.8(A))
I hereby certify that this correspondence is being transmitted to (703)
308-1148 addressed to Examiner Stephen K. Cronin, Group Art Unit
3727, Assistant Commissioner for Patents, Washington, D.C. 20231 on

6-26-01
Grace de Bos
Grace de Bos

**REISSUE APPLICATION SUPPLEMENTAL DECLARATION
(BY ASSIGNEE)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

DECLARATION BY ASSIGNEE

The undersigned, Daniel Luch, Vice President of Research and Development of Portola Packaging, Inc. declare that I am a citizen of the United States and resident of Morgan Hill, California, that the entire title to U.S. Letters Patent No. 5,687,865 for *SPILL-REDUCTION CAP FOR FLUID CONTAINER*, issued on November 18, 1997 to inventors Brian M. Adams of Newark, CA, Hoa Pham of Mountain View, CA, and Daniel Luch of Morgan Hill, CA, is vested in Portola Packaging, Inc., as recorded in the U.S. Patent and Trademark Office on July 7, 1994 at Reel 7671, Frame 0197, that I believe said inventors to be the original, first and joint inventors of the subject matter that is described and claimed in the aforesaid U.S. Letters Patent No. 5,687,865 granted on November 18, 1997, and in the subject matter in the amendments filed on October 10, 2000 and April 27, 2001, and in the Supplemental Amendment and Reply submitted herewith, and in all prior amendments and for which invention we solicit a reissue patent.

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR
(37 C.F.R. §1.175)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended on October 10, 2000, April 27, 2001, and in the Supplemental Amendment and Reply submitted herewith. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

STATEMENT OF INOPERATIVENESS OR INVALIDITY OF ORIGINAL PATENT
(37 C.F.R. §1.175)

I verily believe the original patent to be partly inoperative or invalid by reason of 37 C.F.R. §1.175(a)(1): the patentee claiming more or less that the patentee had a right to claim in the patent for the reasons set forth in the Statement of Inoperativeness signed and dated by said inventors on September 8, 1999, September 10, 1999 and September 8, 1999, respectively.

Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath in this application, arose without any deceptive intention on the part of the applicant. (37 C.F.R. §1.175(b)(1)).

The grounds of inoperativeness or invalidity of the original patent are set forth in detail in said Statement of Inoperativeness. The Amendments filed October 10, 2000 and April 27, 2001 merely complied with 37 C.F.R. §§ 1.111 and 1.173 and made no substantial change in the wording of this application. The Supplemental Amendment submitted herewith merely corrects a typographical error.

The Amendment filed October 10, 2001 corrected the following: Claim 1, line 9, "a probe" was changed to --a probe having a blunt end--; Claim 3, line 3, "lip" was changed to --neck--; Claim 6, lines 3-4, "cooperable with said first orientation means" was deleted; Claim 8, line 3, "prevent" was changed to --allow--; Claim 18, line 2, "external" was deleted; Claim 22, line 1, "wail" was changed to --well--; Claim 24, "substantially diametric relative to said well" was changed to --containing the axis of said well--; Claim 25, "external" was deleted; and Claim 26, last line, "neck" was changed to --container--.

PATENT

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The Amendment filed April 27, 2001 corrected the following: Claim 1, last three lines, "whereby a probe having a blunt tip forced into said well splits said bottom along said scoreline so that said probe may enter said neck" was changed to .

--a probe having a blunt tip to engage said bottom at a center thereof as the probe is forced into said well, said scoreline positioned such that the blunt end splits said bottom along said scoreline as the blunt tip of the probe is forced against said center of said bottom so that said probe may enter said neck--;
Claim 5, line 2, --and said external means comprises a first screw thread and said internal means comprises a second screw thread-- was inserted; and Claim 22, line 1, "side well" was changed to --side wall--.

The Supplemental Amendment submitted herewith merely corrects the following typographical error: Claim 26, line 8, "central wall" was changed to --central well--.

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any Reissue Patent issued thereon.

Assignee: Portola Packaging, Inc.

By: Daniel Luch

Signature:



Title: Vice President
Research and Development

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Date:

